

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-18-2-7 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) "Advanced life
- 5 support", for purposes of IC 16-31, means care **that is** given:
- 6 (1) at the scene of:
- 7 (A) an accident;
- 8 (B) **an act of terrorism (as defined in IC 35-41-1-26.5), if**
- 9 **the governor has declared a disaster emergency under**
- 10 **IC 10-4-1-7 in response to the act of terrorism; or**
- 11 (C) **an illness;**
- 12 (2) during transport; or
- 13 (3) at a hospital;
- 14 by a paramedic or an advanced emergency medical technician **and that**
- 15 is more advanced than the care usually provided by an emergency
- 16 medical technician. ~~and that~~
- 17 (b) **The term** may include any of the following:
- 18 (1) Defibrillation.
- 19 (2) Endotracheal intubation.
- 20 (3) Parenteral injections of appropriate medications.

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness."

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 3. IC 16-31-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.**

(b) An act or omission of a paramedic, an advanced emergency medical technician, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the advanced emergency medical technician, the emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor."

Page 2, line 1, after "diseases or" insert "unnatural".

Page 2, line 12, after "each" insert "unnatural".

Page 2, line 31, after "perform" insert "preliminary".

Page 2, line 32, after "unknown" insert "biological".

Page 2, line 33, after "weapon." insert "The state department shall implement the developed capacity and procedures immediately after the state department achieves a Level B capability as determined by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the United States Public Health Service of the United States Department of Health and Human Services."

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 6. IC 25-22.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an advanced emergency medical technician (as defined in IC 16-18-2-6), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

~~(4)~~ **(5)** An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathIC medicine in Indiana.

~~(5)~~ **(6)** A person administering a domestic or family remedy to a member of the person's family.

~~(6)~~ **(7)** A member of a church practicing the religious tenets of the

1 church if the member does not make a medical diagnosis,
 2 prescribe or administer drugs or medicines, perform surgical or
 3 physical operations, or assume the title of or profess to be a
 4 physician.

5 ~~(7)~~ **(8)** A school corporation and a school employee who acts
 6 under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

7 ~~(8)~~ **(9)** A chiropractor practicing the chiropractor's profession
 8 under IC 25-10 or to an employee of a chiropractor acting under
 9 the direction and supervision of the chiropractor under
 10 IC 25-10-1-13.

11 ~~(9)~~ **(10)** A dental hygienist practicing the dental hygienist's
 12 profession under IC 25-13.

13 ~~(10)~~ **(11)** A dentist practicing the dentist's profession under
 14 IC 25-14.

15 ~~(11)~~ **(12)** A hearing aid dealer practicing the hearing aid dealer's
 16 profession under IC 25-20.

17 ~~(12)~~ **(13)** A nurse practicing the nurse's profession under
 18 IC 25-23. However, a registered nurse may administer anesthesia
 19 if the registered nurse acts under the direction of and in the
 20 immediate presence of a physician and holds a certificate of
 21 completion of a course in anesthesia approved by the American
 22 Association of Nurse Anesthetists or a course approved by the
 23 board.

24 ~~(13)~~ **(14)** An optometrist practicing the optometrist's profession
 25 under IC 25-24.

26 ~~(14)~~ **(15)** A pharmacist practicing the pharmacist's profession
 27 under IC 25-26.

28 ~~(15)~~ **(16)** A physical therapist practicing the physical therapist's
 29 profession under IC 25-27.

30 ~~(16)~~ **(17)** A podiatrist practicing the podiatrist's profession under
 31 IC 25-29.

32 ~~(17)~~ **(18)** A psychologist practicing the psychologist's profession
 33 under IC 25-33.

34 ~~(18)~~ **(19)** A speech-language pathologist or audiologist practicing
 35 the pathologist's or audiologist's profession under IC 25-35.6.

36 ~~(19)~~ **(20)** An employee of a physician or group of physicians who
 37 performs an act, a duty, or a function that is customarily within
 38 the specific area of practice of the employing physician or group

of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (17), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

~~(20)~~ **(21)** A hospital licensed under IC 16-21 or IC 12-25.

~~(21)~~ **(22)** A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health maintenance organization or limited service health maintenance organization;

(E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

~~(22)~~ **(23)** A physician assistant practicing the physician assistant's profession under IC 25-27.5.

~~(23)~~ **(24)** A physician providing medical treatment under

1 IC 25-22.5-1-2.1.

2 (b) A person described in subsection (a)(8) through (a)(17) is not
3 excluded from the application of this article if:

4 (1) the person performs an act that an Indiana statute does not
5 authorize the person to perform; and

6 (2) the act qualifies in whole or in part as the practice of medicine
7 or osteopathic medicine.

8 (c) An employment or other contractual relationship between an
9 entity described in subsection (a)(20) through (a)(21) and a licensed
10 physician does not constitute the unlawful practice of medicine under
11 this article if the entity does not direct or control independent medical
12 acts, decisions, or judgment of the licensed physician. However, if the
13 direction or control is done by the entity under IC 34-30-15 (or
14 IC 34-4-12.6 before its repeal), the entity is excluded from the
15 application of this article as it relates to the unlawful practice of
16 medicine or osteopathic medicine.

17 (d) This subsection does not apply to a prescription or drug order for
18 a legend drug that is filled or refilled in a pharmacy owned or operated
19 by a hospital licensed under IC 16-21. A physician licensed in Indiana
20 who permits or authorizes a person to fill or refill a prescription or drug
21 order for a legend drug except as authorized in IC 16-42-19-11 through
22 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
23 person who violates this subsection commits the unlawful practice of
24 medicine under this chapter.

25 (e) A person described in subsection (a)(7) shall not be authorized
26 to dispense contraceptives or birth control devices.

27 SECTION 7. IC 34-30-2-69.5 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2001]: **Sec. 69.5. IC 16-31-6-4 (Concerning**
30 **care in emergency response to terrorism).**".

31 Page 3, line 11, after "population" delete "of" and insert ".".

32 Page 3, delete line 12.

33 Page 3, line 15, delete "of the" and insert "**chemical device,**
34 **biological device or organism, or radiological device that is capable**
35 **of being used for terrorism.**".

36 Page 3, delete lines 16 through 33.

37 Page 5, line 12, delete "kill, cause bodily" and insert "**carry out**
38 **terrorism**".

- 1 Page 5, delete line 13.
- 2 Page 5, line 14, delete "another person".
- 3 Page 5, line 14, delete "terrorism,".
- 4 Page 5, line 23, after "livestock" insert "**of another person without**
- 5 **the consent of the other person**".
- 6 Renumber all SECTIONS consecutively.
(Reference is to SB 180 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Bray

Chairperson